THE HONOUABLE SRI JUSTICE V.ESWARAIAH

W.P. No. 14748_07 of 2007

Date:13-07-2007

Between:

Kolapalli Lakshmi and 34 others

.. PETITIONERS

AND

The District Collector, Krishna District at Machilipatnam and two others.

..

RESPONDENTS

ORDER:

The petitioners seek to issue a writ of mandamus to declare the action of the respondents herein in threatening to dispossess the petitioners herein from the lands in Sy.No.19/1 of Aswaraopalem village of Avanigadda mandal, Krishna District without issuing any notices and without recourse to law, as illegal and arbitrary.

The case of the petitioners is that they are the permanent residents of Aswaraopalem village of Avanigadda mandal, Krishna District and they are in continuous possession and enjoyment of small extents of lands ranging from 2 to 3 cents each in Sy.Nos.19/1 of Aswaraopalem village of Avanigadda mandal, Krishna District for more than 40 years and they have erected thatched houses in the lands occupied by them and in respect of the houses mentioned in the cause title against the name of each of the petitioner, the household cards were also issued in their favour by the Civil Supplies Department and the house numbers were also allotted. But, it is stated that without following due procedure of law, they are being evicted under the programme called “Indira Adarsa House Scheme”. It appears that the petitioners are encroachers only and they have no exclusive ownership or title. That being so, even assuming that the petitioners are encroachers, they cannot be evicted without following due procedure of law under the provisions of Land Encroachment Act or other law.

Having regard to the facts and circumstances of the case, the respondents are directed not to evict the petitioners without following due procedure of law.

Accordingly, the writ petition is disposed of. No costs.

V.ESWARAIAH, J.

Date:13.07.2007.

Note:

Issue wire of the operative portion of the order at the party's cost.

B/O

ccm